

Cleveland, Ohio and channel 16 in Detroit, Mich., where protection will be in accordance with the values set forth in tables C and F of § 22.501(j)(7).

(ii) Control stations shall be located a minimum of one mile from local television stations operating on TV channels separated by 2, 3, 4, 5, 7 and 8 TV channels from the television channel in which the control station will operate.

(iii) The television stations to be protected in each urban area, in accordance with the provisions of 5(a) and 5(b) of this section, are identified in the Commission's publications "TV Stations To Be Considered in the Preparation of Application for Land Mobile Facilities in the Band 470-512 MHz." The publication is available at the offices of the Federal Communications Commission of Washington, DC or upon the request of interested persons.

(iv) For antenna heights between 500 feet at 3,000 feet above average terrain the effective radiated power must be reduced below 1 kw in accordance with the values shown in the power reduction graph of figure A of § 22.501(j) except for channel 15 in New York, N.Y., and Cleveland, Ohio and channel 16 in Detroit, Mich., where the effective radiated power must be reduced in accordance with figure B. For heights of more than 500 feet above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the grade B authorization will not be granted unless it can be shown that actual terrain considerations are such as to provide the desired protection at the grade B contour, or that the effective radiated power will be further reduced so that, assuming free space attenuation, the desired protection at the grade B contour will be achieved.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

2. 47 CFR 90.311 is amended by revising the entry in the Table following paragraph (a) under the Public Safety Pool frequencies on channel 14 in Los Angeles to read as follows:

§ 90.311 Frequencies.

(a) ***

FREQUENCIES ASSIGNED IN SERVICE POOLS

Urbanized area (channel assignment)	Public safety pool—Fire, police, local government, highway maintenance, and Forestry Conservation Radio Service	
	Base and mobile	Mobile
Los Angeles		
Ch. 14.....	470.0625 to 471.1375 and 506.1375 to 506.2875.	473.0625 to 474.1375 and 509.1375 to 509.2875

[FR Doc. 89-22744 Filed 9-26-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 69

[CC Docket No. 89-2; FCC 89-272]

Common Carrier Mergers and Acquisitions; Pooling; and Long Term and Transitional Support

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC amends part 69 of its rules to clarify the effects of mergers and acquisitions among exchange carriers on the common line pooling status of the involved exchange carriers and the long term and transitional support arrangements.

EFFECTIVE DATE: October 27, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Douglas L. Slotten, Policy and Program Planning Division, Common Carrier Bureau, (202) 632-9342.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order amending part 69 of the Commission's rules, CC Docket No. 89-2, adopted August 4, 1989, and released August 23, 1989, and an Erratum released September 20, 1989.

The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Order

On April 1, 1989, changes in the mandatory common line pooling

arrangements that had governed the recovery of the non-traffic sensitive costs of local exchange carriers (LECs) for nearly five years were implemented pursuant to recommendations developed by the Federal/State Joint Board in CC Docket No. 80-286 and subsequently adopted by the FCC with certain minor modifications in the proposed implementation schedule for subscriber line charge increases. The Joint Board recommendation did not address the effects that a merger or acquisition among LECs could have on the pooling status of surviving LECs, but instead recommended that the FCC address this issue in a separate proceeding.

On January 10, 1989, the FCC adopted a Notice of Proposed Rulemaking (Notice) (54 FR 4859, January 31, 1989) inviting interested persons to comment on specific proposals regarding the pooling status of LECs that have been involved in a merger or acquisition. Amendment of part 69 of the Commission's rules relating to the common line pool status of local exchange carriers involved in mergers or acquisitions, 4 FCC Rcd 740 (1989). The rules adopted by the FCC in this docket relate to the effect that mergers and acquisitions among LECs will have on the pooling status of those LECs and the Long Term and Transitional Support mechanisms adopted as part of the revised access charge rules that took effect on April 1, 1989.

The revised access charge rules allow LECs to leave the National Exchange Carrier Association (NECA) common line cost and revenue pool if they choose and file carrier common line (CCL) tariffs based on their own costs, subject to certain conditions. These conditions include the "affiliate withdrawal requirement," which provides that carriers that choose to leave the pool and file their own common line tariffs remove all their study areas, and that departing holding companies remove all their affiliated companies. Moreover, under the new rules, once a company (or group of affiliated companies) elects to leave the NECA common line pool and file its own common line tariff, it may not choose to participate in the NECA common line pool at a later date. LECs that withdraw from the NECA pool are required to contribute long-term support (LTS) to LECs that remain in the NECA pool to enable pooling companies to tariff a CCL charge equal to the charge that would have resulted if all LECs had remained in the pool. In addition, four years of transitional support (TRS) payments are provided to qualifying LECs that withdraw from the pool. TRS is paid by those nonpooling companies

that were not contributors to the pool in 1988. See, MTS and WATS market structure and amendment of part 67 of the Commission's rules and establishment of a Joint Board, 2 FCC Rcd 2953 (1987), *aff'd on recon.*, 3 FCC Rcd 4543 (1988), *appeal pending sub nom. Public Service Commission of the District of Columbia v. FCC*, D.C. Cir. No. 88-1661 (filed Sept. 12, 1988).

The FCC addressed three merger or acquisition scenarios involving LECs with different pooling positions. The three scenarios involve circumstances in which: (1) The surviving LEC(s) desire to operate outside the NECA common line pool, (2) the surviving LEC(s) desire to operate within the NECA common line pool, or (3) the involved LECs desire to retain their pretransaction common line pooling status. The FCC also discussed the regulatory treatment of LTS and TRS as a result of a merger or acquisition among nonpooling LECs. The FCC recognized the efficiency and cost-saving opportunities offered by mergers and acquisitions and sought to avoid creating regulatory obstacles or disincentives to mergers or acquisitions that offer public interest benefits. However, it noted that it remained mindful of the concerns expressed in the *Notice* and about the use by LECs of additional flexibility in the merger and acquisition area as a means to manipulate the rules in a manner that would undermine the revised pooling procedures.

The FCC observed that LECs with different pooling statuses could operate outside the NECA common line pool after a merger or acquisition under the existing rule. The FCC determined that in these cases, and those in which two LECs outside the pool merge, the 1988 base year data of the involved LECs should be adjusted to reflect the changed configurations of the LECs involved in the merger or acquisition, and the LTS and TRS amounts recalculated accordingly. The FCC found that this approach would produce a more equitable result than the proposal contained in the *Notice* and will be easier for NECA to administer. Finally, while this approach will permit study areas of pooling LECs that are involved in mergers or acquisitions to be included in a nonpooling LEC's 1988 base year data and thus effectively receive TRS payments for the remaining one, two, or three years that the nonpooling LEC may be eligible to receive TRS payments, the FCC concluded that that result is not inequitable since substantial support dollars will not be affected. Additionally, the LTS requirement would be reduced and

replaced with a smaller, declining TRS payment as a result of that LECs leaving the pool.

The FCC also concluded that, if a merger or acquisition among a pooling and a nonpooling LEC results in the LECs desiring to return properties to the NECA common line pool, a waiver of § 69.3(e)(9) would only be required if a net addition to the NECA common line pool and tariff of more than 50,000 lines would result from the transaction. The FCC concluded that such transactions will have a *de minimus* impact on the pool and will reduce the cost of completing such mergers or acquisitions.

The FCC decided that mergers or acquisitions proposing to allow more than 50,000 common lines to reenter the NECA common line pool would require a waiver before the common lines could reenter the pool. The FCC also found that the involved LECs would have the burden of demonstrating that the overall pooling structure would not be materially harmed. The FCC delegated to the Chief of the Common Carrier Bureau the authority to act on the waiver requests.

In the interest of administrative simplicity, the FCC adopted a streamlined approach to processing waivers required to allow more than 50,000 common lines to reenter the NECA common line pool. Under this approach, such a waiver request will be deemed granted on the sixty-first day from the day of public notice inviting comment on the requested waiver unless the waiver request involves a merger or acquisition exhibiting certain specified conditions or certain events occur prior to the expiration of the sixty-day period. The FCC noted that such an approach provides in some administrative savings and offers an important planning horizon for the involved LECs. The FCC noted the adoption of this notice procedure does not alter the burden that the LECs involved in the merger or acquisition have to demonstrate that the overall pooling structure would not be materially harmed if the merger or acquisition were to be approved.

The FCC also concluded that LECs with different pooling statuses that are involved in a merger or acquisition may retain their pretransaction pooling positions indefinitely. The FCC noted that this was the most neutral approach, preserved the maximum flexibility for smaller LECs, and would not result in any increase in the support amount required for the NECA common line pool since no LECs will be reentering the pool under this scenario.

The FCC determined that the involved LECs must either include in the pool, or

remove from the pool, all of the common lines included in the merger or acquisition if some properties are to have their pooling status changed. The FCC stated that the flexibility in the rule is designed to permit carriers to have uniform treatment for their consolidated companies. The FCC found this requirement to be necessary to prevent selective actions that could adversely affect the NECA common line pool. The FCC also provided that, given the important of study areas to its regulatory framework, the rules adopted relate only to complete study areas.

Finally, the FCC concluded that any changes to the LTS or TRS payments can occur only on the date the annual access charge tariff filings become effective.

The FCC certified that the requirements contained in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable to the rules adopted in this proceeding.

Paperwork Reduction

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Ordering Clauses

Accordingly, *it is ordered*, Pursuant to section 1, 4 (i)-(j), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 (i)-(j), and 403, and section 553 of the Administrative Procedure Act, 5 U.S.C. 553, that part 69 of the Commission's rules is amended as set forth below.

It is further ordered, That the Chief, Common Carrier Bureau, is delegated the authority to rule on the waiver requests described herein.

It is further ordered, That this proceeding is Terminated.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

List of Subjects in 47 CFR Part 69

Communications common carriers.

Part 69—Access Charges of title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 69 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

2. Section 69.3 is amended by adding new paragraph (e)(11) to read as follows:

§ 69.3 Filing of access service tariffs.

(e) * * *

(11) Any changes in Association common line tariff participation and Long Term and Transitional Support resulting from the merger or acquisition of telephone properties are to be made effective on the next annual access tariff filing effective date following consummation of the merger or acquisition transaction, in accordance with the provisions of § 69.3(e)(9).

3. Section 69.3 is amended by adding new paragraph (g) to read as follows:

§ 69.3 Filing of access service tariffs.

(g) The following rules apply to telephone company participation in the Association common line pool for telephone companies involved in a merger or acquisition.

(1) Notwithstanding the requirements of § 69.3(e)(9), any Association common line tariff participant that is party to a merger or acquisition may continue to participate in the Association common line tariff.

(2) Notwithstanding the requirements of § 69.3(e)(9), any Association common line tariff participant that is party to a merger or acquisition may include other telephone properties involved in the transaction in the Association common line tariff, provided that the net addition of common lines to the Association common line tariff resulting from the transaction is not greater than 50,000, and provided further that, if any common lines involved in a merger or acquisition are returned to the Association common line tariff, all of the common lines involved in the merger or acquisition must be returned to the Association common line tariff.

(3) Telephone companies involved in mergers or acquisitions that wish to have more than 50,000 common lines reenter the Association common line pool must request a waiver of § 69.3(e)(9). If the telephone company has met all other legal obligations, the waiver request will be deemed granted on the sixty-first (61st) day from the date of public notice inviting comment on the requested waiver unless:

(i) The merger or acquisition involves one or more partial study areas;

(ii) The waiver includes a request for confidentiality of some or all of the materials supporting the request;

(iii) The waiver includes a request to return only a portion of the telephone

properties involved in the transaction to the Association common line tariff;

(iv) The Commission rejects the waiver request prior to the expiration of the sixty-day period;

(v) The Commission requests additional time or information to process the waiver application prior to the expiration of the sixty-day period; or

(vi) A party, in a timely manner, opposes a waiver request or seeks conditional approval of the waiver in response to our public notice of the waiver request.

4. Section 69.612 is amended by adding new paragraph (c) to read as follows:

§ 69.612 Long term and transitional support.

(c) Long Term and Transitional Support shall be modified to take into account mergers and acquisitions on a prospective basis. The Association shall adjust the 1988 base year data of the surviving entity of entities or any merger or acquisition to reflect the changes effected by the merger or acquisition before calculating the Long Term and Transitional Support amounts pursuant to § 69.612 (a) and (b). For this purpose, the Association shall assume that the transaction occurred prior to 1988.

[FR Doc. 89-22737 Filed 9-26-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

Emergency Broadcast System

AGENCY: Federal Communications Commission.

SUMMARY: This document corrects a final rule published in the *Federal Register* at 53 FR 15398, April 29, 1988, concerning the emergency broadcast system.

EFFECTIVE DATE: September 27, 1989.

FOR FURTHER INFORMATION CONTACT: Frank Lucia, (202) 632-3906, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

SUPPLEMENTARY INFORMATION: In FR Doc. 88-9391 published in the April 29, 1988, *Federal Register* on page 15398, the following correction is made in § 73.937 by removing the word "Level" from the heading of the section.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-22738 Filed 9-26-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

Radio Broadcasting Services; Unlimited-time Operation by Existing AM Daytime-only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime-only Stations; and Minimum Power of Class III Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule concerning Radio Broadcasting Services published at 53 FR 1032, January 15, 1988.

EFFECTIVE DATE: September 27, 1989.

FOR FURTHER INFORMATION CONTACT: Louis Stephens, (202)-254-3394.

SUPPLEMENTARY INFORMATION: In FR Doc. 88-823, published in the January 15, 1988 *Federal Register* on page 1032 (53 FR 1032), in column 1, amendatory instruction number 14 is corrected to read "§ 73.3571 is amended by revising paragraph (d)(5) to read as follows:".

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-22765 Filed 9-26-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 88-139; DA 89-1051]

Reorganization and Deregulation of the Rules Governing the Amateur Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rules; correction.

SUMMARY: This errata corrects errors and omissions in the final rules (54 FR 25857, June 20, 1989) adopted by the Commission on May 31, 1989. The errata is necessary so that amateur service stations and operators will have access to complete and accurate rules. By this action, the amateur community should be better able to understand and comply with the rules.

EFFECTIVE DATE: September 27, 1989.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Federal Communications Commission, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:**List of Subjects in 47 CFR Part 97**

Aliens, Amateur radio, Digital communications, Emissions, Frequencies, Radio.

Released: September 7, 1989.

In the matter of reorganization and deregulation of part 97 of the rules governing the amateur radio services.

The final rules published on June 30, 1989, at page 25857, in the above-entitled matter, are corrected as follows:

1. On page 25857, in the third column, in the table of contents for part 97—Amateur Radio Service, § 97-115 "Third-party traffic," is corrected to read "97.115 Third party communications."

2. On page 25858, in the first column, in the table of contents for part 97—Amateur Radio Service, § 97.309 "RTTY and data emission digital codes," is corrected to read "RTTY and data emission codes."

§ 97.5 [Corrected]

3. On page 25860, in the first column, in § 97.5(d)(2), the word "form" is corrected to read "Form."

§ 97.5 [Corrected]

4. Also on page 25860, in the first column, the final word in § 97.5(d)(5) is corrected to read "licensee."

§ 97.15 [Corrected]

5. Also on page 25860, in the third column, in § 97.15(b)(2) remove the word "longer" and substitute therefor the word "shorter."

6. On page 25862, in the second column, § 97.109 is correctly revised to read as follows:

§ 97.109 Station control.

(a) Each amateur station must have at least one control point.

(b) When a station is being locally controlled, the control operator must be at the control point. Any station may be locally controlled.

(c) When a station is being remotely controlled, the control operator must be at the control point. Any station may be remotely controlled.

(d) When a station is being automatically controlled, the control operator need not be at the control point. Only stations transmitting RTTY or data emissions on the 6 m or shorter wavelength bands, and stations specifically designated elsewhere in this part may be automatically controlled. Automatic control must cease upon notification by an EIC that the station is transmitting improperly or causing harmful interference to other stations. Automatic control must not be resumed without prior approval of the EIC.

(e) No station may be automatically controlled while transmitting third party communications, except a station retransmitting digital packet radio communications on the 6 m and shorter wavelength bands. Such stations must be using the American Radio Relay League, Inc. *AX.25 Amateur Packet—Radio Link—Layer Protocol, Version 2.0*, October 1984 (or compatible) which is available from American Radio Relay League, Inc., 225 Main Street, Newington, Connecticut 06111. The retransmitted messages must originate at a station that is being locally or remotely controlled.

7. On page 25863, in the third column, in § 97.119, correct paragraph (b)(3) and paragraph (c) to read as follows. Also, on page 25864, remove paragraph (g) of this section.

§ 97.119 Station Identification.

(a) * * *

(b) * * *

(2) * * *

(3) By a RTTY emission using a specified digital code when all or part of the communications are transmitted by a RTTY or data emission;

* * *

(c) An indicator may be included with the call sign. It must be separated from the call sign by the slant mark or by any suitable word that denotes the slant mark. If the indicator is self-assigned, it must be included after the call sign and must not conflict with any other indicator specified by the FCC Rules or

by any prefix assigned to another country.

* * *

8. On page 25865, in the first column, § 97.207(c) (1) and (2) is corrected to read as follows:

§ 97.207 Space station.

(c) * * *

(1) The 17 m, 15 m, 12 m, and 10 m bands, 6 mm, 4 mm, 2 mm and 1 mm bands; and

(2) The 7.0–7.1 MHz, 14.00–14.25 MHz, 144–146 MHz, 435–438 MHz, 1260–1270 MHz, and 2400–2450 MHz, 3.40–3.41 GHz, 5.83–5.85 GHz, 10.45–10.50 GHz, and 24.00–24.05 GHz segments.

* * *

9. Also on page 25865, in the second column, § 97.209(b)(1) is corrected to read:

§ 97.209 Earth station.

* * *

(b) * * *

(1) The 17 m, 15 m, 12 m, and 10 m bands, 6 mm, 4 mm, 2 mm and 1 mm bands; and

* * *

10. Also on the same page, and in the same column, § 97.211(c)(1) is corrected to read:

§ 97.211 Telecommand station.

* * *

(c) * * *

(1) The 17 m, 15 m, 12 m and 10 m bands, 6 mm, 4 mm, 2 mm and 1 mm bands; and

* * *

11. On pages 25865, 25866, and 25867, in § 97.301, paragraph (a) is corrected by changing the first entry in the UHF wavelength band table; paragraph (c) is corrected by changing the ninth entry in the HF wavelength band table; and paragraph (d) is corrected by changing the second, third, and ninth entries in the HF wavelength band table as follows:

§ 97.301 Authorized frequency bands.

* * *

(a) * * *

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements see § 97.303, Paragraph:
70 cm	430–440	420–450	420–450	(a), (b), (f).
UHF	MHz	MHz	MHz	

(c) * * *

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements see § 97.303, Paragraph:
HF	MHz	MHz	MHz	
Do	21.225–21.450	21.225–21.450	21.225–21.450	

(d) * * *

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements see § 97.303, Paragraph:
HF	MHz	MHz	MHz	
75 m		3.85–4.00	3.85–3.90	(a).
40 m	7.025–7.100	7.025–7.150	7.025–7.100	(a).
15 m	21.025–21.200	21.025–21.200	21.025–21.200	

§ 97.303 [Corrected]

12. On page 25867, in the second column, in § 97.303, paragraph (b), correct "24.05–24.24" to read "24.05–24.25."

§ 97.303 [Corrected]

13. On page 25868, in the first column, in § 97.303, paragraph (f)(4), correct "449.5–450 MHz" to read "449.75–450.25 MHz."

§ 97.303 [Corrected]

14. Also on page 25868, in the second column, in § 97.303, paragraph (k), add "GHz" after "145.45–145.75."

§ 97.303 [Corrected]

15. Also on page 25868, in the third column, in § 97.303, paragraph (n)(2), add "GHz" after "10.00–10.45."

16. On page 25869, in § 97.305(c), the entries in the MF, HF, and VHF

wavelength band tables are corrected to read as follows:

§ 97.305 Authorized emission types.

* * * * *

(c) * * *

Wavelength band	Frequencies	Emission types authorized	Standards, see § 97.307(f), paragraph
MF:			
160 m	Entire band	RTTY, data	(3).
160 m	Entire band	Phone, image	(1), (2).
HF:			
80 m	Entire band	RTTY, data	(3), (9).
75 m	Entire band	Phone, image	(1), (2).
40 m	7.000–7.100 MHz	RTTY, data	(3), (9).
40 m	7.075–7.100 MHz	Phone, image	(1), (2), (9), (11).
40 m	7.100–7.150 MHz	RTTY, data	(3), (9).
40 m	7.150–7.300 MHz	Phone, image	(1), (2).
30 m	Entire band	RTTY, data	(3).
20 m	14.00–14.15 MHz	RTTY, data	(3).
20 m	14.15–14.35 MHz	Phone, image	(1), (2).
17 m	18.068–18.110 MHz	RTTY, data	(3).
17 m	18.110–18.168 MHz	Phone, image	(1), (2).
15 m	21.0–21.2 MHz	RTTY, data	(3), (9).
15 m	21.20–21.45 MHz	Phone, image	(1), (2).
12 m	24.89–24.93 MHz	RTTY, data	(3).
12 m	24.93–24.99 MHz	Phone, image	(1), (2).
10 m	28.0–28.3 MHz	RTTY, data	(4).
10 m	28.3–28.5 MHz	Phone, image	(1), (2), (10).
10 m	28.5–29.0 MHz	Phone, image	(1), (2).
10 m	29.0–29.7 MHz	Phone, image	(2).

—Continued

Wavelength band	Frequencies	Emission types authorized	Standards, see § 97.307(f), paragraph
VHF:			
6 m	50.1–51.0 MHz	RTTY, data	(5).
6 m	50.1–51.0 MHz	MCW, phone, image	(2).
6 m	51.0–54.0 MHz	RTTY, data, test	(5), (8).
6 m	51.0–54.0 MHz	MCW, phone, image	(2).
2 m	144.1–148.0 MHz	RTTY, data, test	(5), (8).
2 m	144.1–148.0 MHz	MCW, phone, image	(2).
1.25 m	Entire band	RTTY, data, test	(6), (8).
1.25 m	Entire band	MCW, phone, image	(2).

17. On page 25870, in the first column, in § 97.307, paragraphs (f) (5) and (6) are corrected to read as follows:

§ 97.307 Emission standards.

(f) ***

(5) A RTTY, data or multiplexed emission using a specified digital code listed in § 97.309(a) of this Part may be transmitted. The symbol rate must not exceed 19.6 kilobauds. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in § 97.309(b) of this Part also may be transmitted. The authorized bandwidth is 20 kHz.

(6) A RTTY, data or multiplexed emission using a specified digital code listed in § 97.309(a) of this Part may be transmitted. The symbol rate must not exceed 56 kilobauds. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in § 97.309(b) of this Part also may be transmitted. The authorized bandwidth is 100 kHz.

18. Also on page 25870, in the second column, the title of § 97.309 is correctly revised to read as set forth below and paragraphs (a) (1), (2), and (3) are corrected to read as follows:

§ 97.309 RTTY and data emission codes.

(a) ***

(1) The 5-unit, start-stop, International Telegraphs Alphabet No. 2 code, defined in International Telegraph and Telephone Consultative Committee Recommendation F.1, Division C.

(2) The 7-unit code, specified in International Radio Consultative Committee Recommendation CCIR 476-2 (1978), 476-3 (1982), 476-4 (1986) or 625 (1986).

(3) The 7-unit code, defined in American National Standards Institute X3.4-1977 or International Alphabet No. 5, defined in International Telegraph and Telephone Consultative Committee Recommendation T.50 or in International Organization for

Standardization, International Standard ISO 646 (1983), and extensions as provided for in CCITT Recommendation T.61 (Malaga-Torremolinos, 1984).

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-22766 Filed 9-26-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

Department of the Army

48 CFR Parts 5145 and 5152

Federal Acquisition Regulation Supplement; Government Furnished Property

AGENCY: Department of the Army (DA), DOD.

ACTION: Final Rule.

SUMMARY: The Defense Acquisition Regulatory Council approved for a two-year test period, the final rule which revises the proposed rule published at 54 FR 15471 dated April 18, 1989. The proposed rule was a Department of the Army deviation to Defense Acquisition Regulation Supplement (DFARS) Subpart 245.3 and section 252.245. The deviation permits the Army to provide existing Government property under installation support services contracts without retaining the responsibility for replacement. There is one change which is in placement of coverage.

EFFECTIVE DATE: September 27, 1989.

SUPPLEMENTARY INFORMATION:

A. Background

The proposed rule solicited comments from interested parties. Comments were received from three sources. The following summarizes significant comments, suggestions and actions taken.

Time Limit

Concern was expressed that two-year test means two years opportunity to initiate contracts utilizing this mode of equipment provisioning. The deviation will authorize use of the procedures in solicitations/contracts issued during the test period. Procedures will be applicable to the entire contract period, including option periods.

Submission of Proposed Maintenance Plan

It was suggested that the proposed maintenance plan be provided with contractor proposals, and the successful contractor's plan updated within 30 days after contract start versus receiving the proposed maintenance plan 45 days after contract start. Agree, however, the proposed clause is referring to FAR 45.402, which requires the contractor's maintenance system to be approved in writing by the property administrator. A contractor cannot develop a complete maintenance plan until after contract award. If the contracting activity desires to have an outline of a proposed maintenance plan for use with evaluation, this could/should be so stated in the Schedule.

Inconsistent With General Contracting Principles

Normally "commingling" of government and contractor materials is not allowed. If exercised, it will be necessary for the government's materials to be properly marked and at Government expense. Nonconcur. DFARS 245.505-3 allows commingling of materials so long as the contractor has adequate controls to ensure that the requirements of 242.7206 are met. FAR 45.506 states that the "contractor shall identify, mark, and record all Government property * * *". Therefore, the deviation does not require any additional effort.

Current practice is that contractors may invoice items costing under \$1000 as direct line item costs. When the contractor is reimbursed for such direct